

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the)
natural parent and guardian of J.I., JUWAN)
HARRINGTON, CYDNEEA)
HARRINGTON, KENYA WALTON,)
individually and as the natural parent and)
guardian of R.W., ZIYEL WHITLEY,)
DYAMOND WHITLEY, KAMISHA)
WHITLEY, NANETTA GRANT as the)
natural parent and guardian of Z.G., and)
EMANCIPATE NC, INC.,)

Plaintiffs,)

v.)

THE CITY OF RALEIGH, OFFICER OMAR)
I. ABDULLAH, SERGEANT WILLIAM)
ROLFE, OFFICER RISHAR PIERRE)
MONROE, OFFICER JULIEN DAVID)
RATTELADE, OFFICER MEGHAN)
CAROLINE GAY, JOHN and JANE DOE)
OFFICERS 1-10, in their individual)
capacities, Chief of Police ESTELLA)
PATTERSON, and City Manager)
MARCHELL ADAMS-DAVID, in their)
official capacities,)

Defendants.)

**MOTION TO FILE A COMBINED
MEMORANDUM OF LAW AND TO
EXTEND THE TIME TO RESPOND IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, and hereby respectfully move for permission to file a combined memorandum of law and extend the time to respond to Defendants' Motions to Dismiss filed by The City of Raleigh, Chief Estella Patterson, City Manager Marchell Adams-David, Officer Rishar Pierre Monroe, Officer Julien David

Rattelade, and Officer Meghan Caroline Gay. In support of this motion, Plaintiffs show unto the Court the following:

1. Plaintiffs filed the Amended Complaint on May 16, 2022, adding additional parties to this action: Plaintiff Emancipate NC, INC. and Defendants Chief Patterson and City Manager Adams-David.

2. On June 28, 2022, The City of Raleigh, Chief Estella Patterson, City Manager Marchell Adams-David (hereinafter the “City Defendants”) filed a motion to dismiss Emancipate NC, INC.

3. On June 30, 2022, Officer Rishar Pierre Monroe, Officer Julien David Rattelade, and Officer Meghan Caroline Gay (hereinafter the “Officer Defendants”) also filed a motion to dismiss Emancipate NC, INC.

4. The Officer Defendants “rely on the pleadings filed to date and the authority and arguments set forth in a Memorandum of Law filed by the City of Raleigh (DE 60)” in support of their motion to dismiss Emancipate, NC, INC. The City Defendants and the Officer Defendants (combined “Defendants”) make identical arguments in support of their motions to dismiss Emancipate NC, INC.

5. Plaintiffs respectfully request permission to file a single omnibus memorandum of law in response to Defendants’ Motions to Dismiss Emancipate, NC, INC.

6. Plaintiffs require additional time to respond to Defendants’ motions and respectfully request a thirty (30) day extension to the current deadline, which would allow Plaintiffs up to and including August 18, 2022 to respond to Defendants’ Motions to Dismiss Emancipate, NC, INC.

7. A court-hosted settlement conference is currently being scheduled for July or August. Permitting Plaintiffs to file a single omnibus response, and extending the due date to August 18, 2022, after the conference is completed, will potentially conserve judicial resources.

8. This Motion is being filed in good faith and not for the purpose of delaying this action.

9. This matter has not been set for trial. As such, granting this motion will not interfere with a scheduled trial date.

10. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendants regarding Plaintiffs' position on this motion. Defendants consent.

11. Plaintiffs respectfully submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs move the Court for permission to file a combined memorandum in response to Defendants' Motion to Dismiss and extend the date to respond to August 18, 2022 as set forth in the proposed order submitted with this motion.

This the 5th day of July, 2022.

Respectfully,



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Served on all parties: Via ECF